

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY

DEPARTMENTAL PERSONNEL MANUAL SYSTEM

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DPM LETTER: 551-1

SUBJECT: Changes in Overtime Pay Under the Fair  
Labor Standards Act

DATE: MAY 20 1988

In FPM Letter 551-22, the Office of Personnel Management issued guidance on changes in overtime pay under the Fair Labor Standards Act (FLSA) which resulted from the U.S. Court of Appeals decision in the Lanehart v. Horner case.

These changes apply to **nonexempt** employees who receive:

- annual premium pay for stand-by duty under 5 USC 5545 (c)(1);
- annual premium pay for administratively uncontrollable overtime under 5 USC 5545 (c)(2); and
- overtime pay for "regularly scheduled" overtime as defined in 5 CFR 550.103 (p) and 610.102 (g).

If such employees receive pay for periods of nonwork (e.g., leave, holidays, or excused absence), these hours of paid absence must now be counted as if they were hours of work for the purpose of determining the employee's overtime pay entitlement under FLSA. FPM Letter 551-22 provides several examples of the effect this change has on computation of overtime pay.

Supervisors must now determine whether overtime worked by nonexempt employees is regularly scheduled or irregular overtime. Therefore it is important that supervisors in your administration understand the difference between these two types of overtime and begin documenting which type of overtime an employee works. The attached memo, which was recently distributed to supervisors and time and attendance clerks, provides instructions on how to record this information on time and attendance reports.

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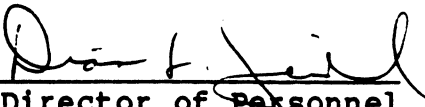
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Distribution: Personnel Council Members

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These FLSA changes became effective on July 2, 1987. The work records of affected employees since that date are being reviewed to determine their pay entitlements under these new regulations. The Office of Financial Management will provide information regarding any changes in employees' pay as soon as it becomes available.

Patricia Prosperi of my staff is available on 366-9450 to answer any questions you may have.

  
Director of Personnel

Attachment



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

# Memorandum

**Subject:** ACTION: Changes to Time and Attendance (T&A)  
Report Recording of Time Worked Outside Shift

**Date:** NEWSLETTER U  
MAY 10 1988

**From:** Manager, Travel and Relocation Systems  
Division, AAA-300

**Reply to  
Attn. of:** AAA-100

**To:** Supervisors and T&A Clerks

Effective pay period 8813 (6/5-6/18/88), the T&A report recording of time worked outside shift (overtime) will be changed. These changes are required to distinguish regularly scheduled overtime from irregularly scheduled overtime for employees subject to the Fair Labor Standards Act (FLSA). Employees subject to FLSA are identified on the T&A report by an "N" on the top line of the report in the "N/E" box. There are no changes to employees coded "E", exempt from FLSA.

Regularly scheduled overtime is overtime scheduled prior to the start of the workweek. All other overtime is irregularly scheduled. If you are uncertain of the category of an occurrence of overtime, please contact your servicing personnel office.

T&A report recording changes apply to the condition options for irregularly scheduled overtime only. There are no recording changes for regularly scheduled overtime.

T&A report recording changes are as follows for each of the T&A reports currently in use:

Form DOT F 2740.2 (Scanner T&A):

1. Irregularly Scheduled Overtime.

a. Enter start stop time.

b. Enter any applicable condition options.

c. Enter condition option "8" on the same line. (It is not necessary to enter condition option 8 on any line on which condition options 1, 2, or 7 were entered because options 1, 2, and 7 can only be used with irregularly scheduled overtime. Also, condition option 8 is not required for individuals recorded as "7", when actually employed, or "8", irregular workweek, in the assigned shift column.)

